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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,489	02/29/2000	Somnath Banik	BANIK 2-73	2128

47396 7590 06/30/2005

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EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/514,489	<b>Applicant(s)</b> BANIK ET AL.	
	<b>Examiner</b> Tu X Nguyen	<b>Art Unit</b> 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

### DETAILED ACTION

1. In view of the Appeal brief filed on 3/30/05, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-6, 8-9, 11-13, 15-19 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US Patent 6,044,266)

Regarding claims 1, 8 and 15, Kato disclose for use in communicating data over a voice channel between a transmitter of a base station and a receiver of a handset of a cordless telephone, a system comprising:

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a silence detector (see col.8 lines 41-40), that identifies a pause in voice traffic that is to be transmitted over and generates an interjection signal during said pause (see fig.5 and col.9 lines 11-12);

data injector, that receives said interjection signal and responds by causing said transmitter to transmit data to said receiver over said voice channel (see col.3 lines 21-22, "data injector" is inherent because data is being transmitted on the same voice channel when there is no voice activity).

Kato fails to disclose a silence detector couple to transmitter.

Kim discloses a silence detector couple to transmitter (see 122, 144, fig.1).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kato with the above teaching of Kim in order to provide connection circuits and controlling signals to the transmission/receiving unit.

Regarding claims 2,9 and 16, the modified Kato discloses voice traffic is analog voice traffic (see Kato, col.7 lines 59-64).

Regarding claims 6, 13 and 19, the modified Kato discloses transmitter transmits said voice in frames (see Kato, col.9 lines 11-12).

Regarding claims 21-22, the modified Kato discloses system receives said voice traffic and said data from a telephone line coupled thereto (see Kato, col.3 lines 40-45).

Regarding claims 4, 11 and 17, the modified Kato discloses said data comprises caller identification data (see Kim, col.22-23, "telephone number" corresponds to "caller identification data").

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Regarding to claims 5, 12 and 18, the modified Kato fails to disclose said data comprises menu item selection data. However, the Examiner takes an Official notice that the concept menu display for user would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system for a digital display.

4. Claims 7, 14 and 20 are rejected under 35 U.S.C. 103(e) as being unpatentable over Kato in view of Kim and further in view of Walley et al. (US Patent 6,301,287).

Regarding to claims 7, 14 and 20, the modified Kato fails to disclose comparing a peak energy of said voice traffic to a noise floor reference.

Walley et al. disclose comparing a peak energy of said voice traffic to a noise floor reference (see col.12 lines 5-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Kato with the above teaching of Walley et al. in order to compare energy level between peak level and noise floor level.

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

June 13, 2005

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER